

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>PINNACLE PROPERTIES, LLC,</b>	)	
	)	
<b>Plaintiff / Counter Defendant,</b>	)	
	)	
<b>vs.</b>	)	<b>CIV. ACT. NO. 1:23-cv-198-TFM-MU</b>
	)	
<b>GUARANTEED RATE, INC.,</b>	)	
	)	
<b>Defendant / Counter Claimant.</b>	)	

**MEMORANDUM OPINION AND ORDER**

Pending before the Court are two ripe Reports and Recommendation which the Court addresses in turn.

On January 29, 2024, the Magistrate Judge entered a Report and Recommendation which recommends that Plaintiff's Motion to Remand (Doc. 9) be denied. *See* Doc. 29. Plaintiff timely filed its objections, and the Defendant filed their response. *See* Docs. 31, 32. Therefore, the jurisdictional issue is now ripe for the Court's review. The Court has reviewed the objections and the history of the jurisdictional briefing. Though the Magistrate Judge initially made the opposite recommendation, it is clear from the subsequent actions that the objections made in response caused the Magistrate Judge to reconsider his recommendation as evidenced by the withdrawal of the initial recommendation. *See* Docs. 24, 25, 26, 27, 28. Despite Plaintiff's protestation to the contrary, that is the Magistrate Judge's prerogative. Further, the Court finds that current Report and Recommendation is legally accurate and well-reasoned. As a result, the current objections (Doc. 31) are **OVERRULED**.

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Recommendation to which objection

is made, the Report and Recommendation (Doc. 29) is **ADOPTED** as the opinion of this Court. Accordingly, Plaintiff's Motion to Remand (Doc. 9, filed 6/27/23) is **DENIED**.

The Magistrate Judge also filed a Report and Recommendation on February 2, 2024 which recommends the motion to dismiss counterclaims (Doc. 21) be denied. *See* Doc. 30. No objections were filed and the timeframe has passed. Therefore, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation (Doc. 30) is **ADOPTED** as the opinion of this Court. Accordingly, the motion to dismiss counterclaims (Doc. 21) is **DENIED**.

**DONE** and **ORDERED** this 8th day of March, 2024.

/s/Terry F. Moorers  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE